

1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 IN AND FOR THE COUNTY OF MODOC

3 In the Matter of the Determination)
4 of the Interests of the Various)
5 Claimants to The Waters of North)
6 Fork of Pit River and All the)
7 Tributaries except Franklin Creek,)
8 in Modoc County, California.)

No. 4074

SUPPLEMENTAL JUDGMENT AND
DECREE

7 WHEREAS, paragraph 51 of the Judgment and Decree in the above
8 entitled matter provided that supplemental proof be made and sub-
9 mitted to the aforesaid Superior Court of the final completion
10 of certain uncompleted appropriations of water of the "Surplus
11 Class" flowing in Parker Creek, as in said paragraph particularly
12 set forth, and

13 WHEREAS, James C. Porter has made and filed herein and presented
14 to the Court his affidavit showing that the uncompleted appropriation
15 mentioned and described in said paragraph 51 has been and was fully
16 completed prior to December 1, 1943, as provided and required by
17 said paragraph, and said affiant having applied to the Court for the
18 entry herein of a Supplemental Judgment and Decree, establishing of
19 record the completion of said uncompleted appropriation as required
20 by said paragraph, and oral evidence having been offered and received
21 by the Court in support of said application and it now appearing to
22 the Court that Notice of the time and place of the hearing of said
23 matter has been duly given as required by law and the matter having
24 been submitted to the Court for its determination and decision,

25 NOW, THEREFORE, from said affidavit and the oral testimony
26 presented in support of said application, the Court,

27 FINDS, DECIDES, ADJUDGES AND DECREES, as follows:

28 That James C. Porter now owns all the rights to water of the
29 "Surplus Class" heretofore and in said paragraph 51 described.

30 THAT pursuant to Application #6291 filed by the said James C.
31 Porter, filed under the provisions of the Water Commission Act the
32 appropriation of water of "Surplus Class" of the flow of Parker

Creek as therein and in said paragraph 51 set out, on the following lands:

40.0 acres in the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec. 1, T. 42N., R13 E., M.D.B. & M.

40.0 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 1, T. 42N., R13 E., M.D.B. & M.

80.0 acres total

was fully completed prior to December 1, 1943, and said water applied to a beneficial use in accordance with the terms of Water Resources Permit #3873, and that each and every year since the completion of said appropriation in the year 1943 as aforesaid, the full amount of said appropriation from Parker Creek, to-wit: 1.15 cubic feet per second has been diverted at a point designated on said D.W.R. Map as Diversion 113, described in Schedule 2 hereof, through the Fogarty-Porter Ditch and beneficially used as a supplemental supply for domestic, stock-watering, and irrigation purposes, during the period from April 1st to September 30th, both dates inclusive of each and every year, was used on the lands above described.

THEREFORE, as supplemental to the Judgment and Decree entered herein on April 5, 1939,

IT IS FURTHER, ADJUDGED, AND DECREED that James C. Porter is the sole owner of right to appropriate and divert from Parker Creek water of the "Surplus Class" to the amount of 1.15 cubic feet per second, dating as of December 1, 1943, such right to be exercised during the time, in the manner and for the purposes in said paragraph 51 set forth.

Let a certified copy of this Supplemental Judgment and Decree be duly entered.

Done In Open Court this 5th day of February, 1951.

A. K. Wylie
JUDGE OF THE SUPERIOR COURT

STATE OF CALIFORNIA)
)
COUNTY OF MODOC) ss

I, ELLA C. SLOSS, County Clerk of the County of Modoc, State of California and ex-officio clerk of the Superior Court of the State of California in and for said Modoc County, do hereby certify the within and foregoing to be a full, true, and correct copy of the SUPPLEMENTAL JUDGMENT AND DECREE in the matter of the Determination of the Interests of the Various Claimants to the Waters of North Fork of Pit River and All the Tributaries except Franklin Creek, in Modoc County, California, #4074, now on file in my office.

WITNESS my hand and the seal of said Court, this 5 day of
February, 1951.

Ella C. Sloss
CLERK

BY /s/ Millicent Dubois
DEPUTY CLERK

INTENT NOTICE

has been duly given

submitted to the Court.

CHRYSLER - 1964 - 1965 - 1966

at the hearing of said

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[illegible]

Abstract

the short,

Follows:

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Journal of Management Studies, 1987, 20(6), 639-650